

Bill no.:	HR 5
Amendment no.:	H.L.C. 1h
Date offered:	3/6/03
Disposition:	NOT AGREED TO BY VOICE VOTE

**AMENDMENT TO H.R. 5
OFFERED BY MR. BROWN OF OHIO**

At the end of the bill, insert the following new section:

1 **SEC. ____ . APPLICABILITY.**

2 (a) **IN GENERAL.**—Nothing in this Act shall apply
3 to a State until the date on which the Secretary of Health
4 and Human Services and the Attorney General submit to
5 Congress their joint consent and approval to the applica-
6 tion of this Act to that State.

7 (b) **CERTIFICATION PROCESS.**—The Secretary of
8 Health and Human Services and the Attorney General
9 shall establish a process under which a State may apply
10 for consent and approval under subsection (a). The proc-
11 ess shall require, as a prerequisite to obtaining such con-
12 sent and approval, that the chief executive officer of a,
13 State certify that the State has in effect laws that prevent
14 price fixing, bid rigging, and market allocations to the det-
15 riment of competition and consumers in connection with
16 the conduct of the business of providing medical mal-
17 practice insurance (other than information gathering and
18 rate setting activities of any State commissions of insur-
19 ance, or any other State regulatory body with authority
20 to set insurance rates). The process shall not require the

1 chief executive officer of the State to certify to any other
2 matter.